



DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION
(37 C.F.R. §1.63)

As a below named inventor, I hereby declare:

My residence, mailing address, and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor or an original, first and joint inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled:

RADICAL RETARDANT CRYOPRESERVATION SOLUTIONS

the specification of which (check one)

☐ is attached hereto.

☒ was filed on December 11, 2003 as United States Application Application No. 10,734,096 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge my duty to disclose to the United States Patent and Trademark Office all information that I know to be material to the patentability of this application as defined in 37 C.F.R. §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or (f), or §365(b) of any foreign application(s) for patent or inventor's or plant breeder's rights certificate(s), or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's or plant breeder's rights certificate(s) or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

Priority
Not Claimed

PCT/US03/39838 PCT 12/11/2003
(Number) (Country) (Filing Date, MM/DD/YYYY)

☐

(Number) (Country) (Filing Date, MM/DD/YYYY)

☐

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

60/432,957 12/11/2002 pending
(Application Serial No.) (Filing Date, MM/DD/YYYY) (Status: pending, or abandoned)

(Application Serial No.) (Filing Date, MM/DD/YYYY) (Status: pending, or abandoned)

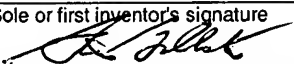
I hereby claim the benefit under 35 U.S.C. §120 of any United States applications(s), or §365(c) of any PCT International Application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

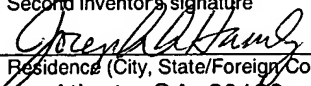
(Application Serial No.)	(Filing Date, MM/DD/YYYY)	(Status: patented, pending, abandoned)
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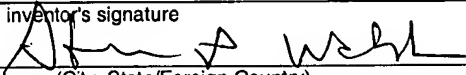
(Application Serial No.)	(Filing Date, MM/DD/YYYY)	(Status: patented, pending, abandoned)
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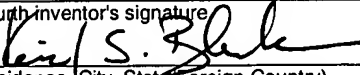
(Application Serial No.)	(Filing Date, MM/DD/YYYY)	(Status: patented, pending, abandoned)
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Steven Goldstein	
Sole or first inventor's signature 	Date May 12, 2004
Residence (City, State/Foreign Country) Atlanta, Georgia	
Citizenship U.S.A.	
Mailing Address 2939 Greenbrook Way, Atlanta, GA 30345	

Full name of second inventor, if any Joseph Hamby	
Second inventor's signature 	Date 5/12/2004
Residence (City, State/Foreign Country) Atlanta, GA 30189	
Citizenship U.S.A.	
Mailing Address 803 Commons Court, Woodstock, GA 30189	

Full name of third inventor, if any Steven P. Walsh	
Third inventor's signature 	Date May 12, 2004
Residence (City, State/Foreign Country) Marietta, GA 30066	
Citizenship U.S.A.	
Mailing Address 2656 Bonaire Terrace, Marietta, GA 30066	

Full name of fourth inventor, if any Kirby S. Black	
Fourth inventor's signature 	Date 5/14/04
Residence (City, State/Foreign Country) Acworth, Georgia	
Citizenship U.S.A.	
Mailing Address 1371 Peppergrass Trail, Acworth, GA 30101	

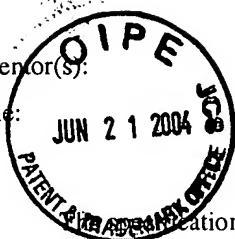
Full name of fifth inventor, if any	
Fifth inventor's signature	Date
Residence (City, State/Foreign Country)	
Citizenship	
Mailing Address	

Full name of sixth inventor, if any	
Sixth inventor's signature	Date
Residence (City, State/Foreign Country)	
Citizenship	
Mailing Address	

Inventor(s):

Steven Goldstein, Joseph Hamby, Steven P. Walsh and Kirby S. Black

Title:

RADICAL RETARDANT CRYOPRESERVATION SOLUTIONS**POWER OF ATTORNEY**

I hereby authorize the above-identified patent application:

- ☐ is attached hereto
☒ was filed on December 11, 2003 as application Serial No. 10/734,096

I hereby revoke all previously granted powers of attorney in the above-identified patent application and appoint the following attorneys to prosecute said patent application and to transact all business in the Patent and Trademark Office connected therewith:

Jeffery M. Duncan , Reg. No. 31,609

John Murray, Ph.D., Reg. No. 44,251

Jonathan P. Taylor, Ph.D., Reg. No. 48,338

Please address all correspondence and telephone calls to Jeffery M. Duncan in care of:

Brinks Hofer Gilson & Lione
 P.O. Box 10395
 Chicago, IL 60610
 (312)321-4200

The undersigned hereby authorizes the U.S. attorneys named herein to accept and follow instructions from Kirby S. Black as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys named herein will be so notified by the undersigned.

CryoLife, Inc., a Georgia corporation, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

- ☒ An assignment from the inventor(s) of the patent application identified above, a copy of which is attached hereto.
 OR
☐ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, frame _____.
 OR
☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:
1. From _____ To: _____
 The document was recorded in the Patent and Trademark Office at Reel _____, frame _____, or a copy thereof is attached.
 2. From _____ To: _____
 The document was recorded in the Patent and Trademark Office at Reel _____, frame _____, or a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

The undersigned has reviewed the assignment or all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature

Kirby S. Black

Date:

5/14/04

Name:

Kirby S. Black

Title:

Sr. Vice President, Research & Development